UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF NORTH CAROLINA **GREENSBORO DIVISION**

ANNE MARTINEZ , individually and on Behalf of all other persons similarly situated,)
Plaintiffs,	Civil Action No. 07-CV-188
v. REGISTERFLY, INC.,))) MOTION TO DISMISS OR
UNIFIEDNAMES INC., HOSTING SERVICES GROUP INC., KEVIN MEDINA in his personal agreeits.) TRANSFER
KEVIN MEDINA, in his personal capacity and as an agent of RegisterFly, Inc. and as an agent of Unifiednames Inc.)
John Naruszewicz, in his capacity as an agent of both Unifiednames and RegisterFly,))
ENOM, and ICANN,)
Defendants.)

COMES NOW defendant eNom, Inc., by and through its undersigned counsel, to respectfully move the Court pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss plaintiff's claims against eNom for failure to state a claim. Ms. Martinez's claims against eNom are deficient as a matter of law. Alternatively, eNom respectfully moves the Court to dismiss plaintiff's claims against eNom pursuant to Rule 12(b)(3) for improper venue because those claims were brought in the wrong district in violation of a binding forum selection clause. If the Court declines to dismiss the claims against eNom, eNom asks that they be transferred to the United States District Court for the Western District of Washington pursuant to 28 U.S.C. §1404(a) and pursuant to the forum selection clause. This motion is supported by eNom's Brief in Support of Its Motion to Dismiss or Transfer and by the Declaration of John Kane.

> Davis Wright Tremaine LLP LAW OFFICES

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Respectfully submitted this 7th day of May, 2007,

Davis Wright Tremaine LLP Attorneys for eNom, Inc.

Nexsen Pruet Adams Kleemeier, PLLC Attorneys for eNom, Inc.

/s/ Randy Gainer
Randy Gainer
Fred Burnside
Nigel Avilez
Admitted pro hac vice

/s/ Gary L. Beaver Stuart C. Gauffreau N. C. State Bar No. 23122 Gary L. Beaver N.C. State Bar No. 10244

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION TO DISMISS OR TRANSFER was duly served upon all parties in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure by electronic service and/or depositing it in the United States Mail, first-class postage prepaid, addressed as follows:

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RegisterFly, Inc. 623 Eagle Rock Avenue, Suite 7 West Orange, NJ 07052

Kevin Medina 960 41st Street Miami Beach, FL 33140

This the 7th day of May, 2007.

Philip J. Mohr, Esq. Ronald R. Davis, Esq. Womble Carlyle Sandridge & Rice One West Fourth Street Winston-Salem, NC 27101 Attorneys for ICANN

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/s/ Gary L. Beaver Gary L. Beaver